

**FILED - KZ**

July 2, 2018 1:56 PM

U.S. DISTRICT COURT  
WESTERN DISTRICT OF MICHIGANems Scanned by mg/7/5UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGANJoseph A. Craigo #43549

1:18-cv-739

Janet T. Neff

U.S. District Judge

Ellen S. Carmody

U.S. Magistrate Judge

(Enter above the full names of all plaintiffs, including prisoner number, in this action.)

v. <sup>1)</sup> Richard J. Behnke; <sup>2)</sup> Clinton D. Roach; <sup>3)</sup> Advanced Correctional Healthcare  
<sup>4)</sup> Kevin L. Garrelts; <sup>5)</sup> Joseph Mashni  
<sup>6)</sup> Susanne Salisbury; <sup>7)</sup> Cass County Sheriff's Office Jail Division

(Enter above the full name of the defendant or defendants in this action.)

**COMPLAINT****I. Previous Lawsuits**

**CAUTION:** The Prison Litigation Reform Act has resulted in substantial changes in the ability of incarcerated individuals to initiate lawsuits in this and other federal courts without prepayment of the civil action filing fee. Accurate and complete responses are required concerning your litigation history. Generally, a plaintiff's failure to accurately and completely answer the questions set forth below will result in denial of the privilege of proceeding *in forma pauperis* and require you to pay the entire \$400.00 filing fee regardless of whether your complaint is dismissed.

- A. Have you ever filed a lawsuit while incarcerated or detained in any prison or jail facility? Yes ☐ No ☒
- B. If your answer to question A was yes, for each lawsuit you have filed you must answer questions 1 through 5 below. Attach additional sheets as necessary to answer questions 1 through 5 below with regard to each lawsuit.
1. Identify the court in which the lawsuit was filed. If it was a state court, identify the county in which the suit was filed. If the lawsuit was filed in federal court, identify the district within which the lawsuit was filed.  
\_\_\_\_\_
  2. Is the action still pending? Yes ☐ No ☐
    - a. If your answer was no, state precisely how the action was resolved: \_\_\_\_\_
  3. Did you appeal the decision? Yes ☐ No ☐
  4. Is the appeal still pending? Yes ☐ No ☐
    - a. If not pending, what was the decision on appeal? \_\_\_\_\_
  5. Was the previous lawsuit based upon the same or similar facts asserted in this lawsuit? Yes ☐ No ☐

If so, explain: \_\_\_\_\_

**II. Place of Present Confinement** Cassopolis County Jail, 321, M-62, Cassopolis, MI 49031

If the place of present confinement is not the place you were confined when the occurrence that is subject of instant lawsuit arose, also list the place you were confined:

\_\_\_\_\_

## III. Parties

## A. Plaintiff(s)

Place your name in the first blank and your present address in the second blank. Provide the same information for any additional plaintiffs. Attach extra sheets as necessary.

Name of Plaintiff Joseph Craig

Address 321 M-62, Cassopolis, MI 49031

## B. Defendant(s)

Complete the information requested below for each defendant in this action, including whether you are suing each defendant in an official and/or personal capacity. If there are more than four defendants, provide the same information for each additional defendant. Attach extra sheets as necessary.

Name of Defendant #1 Richard J. Behnke

Position or Title Sheriff

Place of Employment Cass County Sheriff Dept/Jail

Address 321 M-62, Cassopolis, MI 49031

Official and/or personal capacity? Official/personal

Name of Defendant #2 Clinton D. Roach

Position or Title Undersheriff

Place of Employment Cass County Sheriff Dept/Jail

Address 321 M-62, Cassopolis, MI 49031

Official and/or personal capacity? Official/and personal

Name of Defendant #3 Kevin L. Garrelts

Position or Title Captain/Jail Administrator

Place of Employment Cass County Jail

Address 321 M62, Cassopolis, MI 49031

Official and/or personal capacity? Official/and personal

Name of Defendant #4 Joseph Mashni

Position or Title P.N. /medical provider

Place of Employment Cass County Jail

Address 321 M62, Cassopolis, MI 49031

Official and/or personal capacity? Official/and personal

Name of Defendant #5 Susanne Salisbury

Position or Title Nurse

Place of Employment Cass County Jail

Address 321 M 62, Cassopolis, MI 49031

Official and/or personal capacity? Official/and personal

B. Defendant(s) Contended

Name of Defendant ~~(6)~~ #6, Cass County Sheriff's Office Jail Division  
Position or title, Count Jail  
Place of Employment, ~~AAA~~ Cass County Sheriff's Office / Jail  
Address, 321 M-62, Cassopolis, MI 49031  
Official and/or personal capacity? Official

Name of Defendant # 7 Advanced Correctional Healthcare.  
Position or title, Health Care Provider  
Place of Employment, Cass County Jail  
Address, 3922 W. Baring Trace, Peoria, IL 61615  
Official and/or personal capacity official

## IV. Statement of Claim

State here the facts of your case. Describe how each defendant is personally involved. Include also the names of other persons involved, dates and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as you need. Attach extra sheets if necessary.

In Short my Claim is, I have a Chronic illness that affects my pancreatitis, and I was on medicine to treat it before I came to the Cass County Jail. The medicine I take is a digestive enzyme that helps me digest foods. This condition has been confirmed from past records received from past incarcerations. The Cass County jail will not provide my medicine. Based on my records, the medicine is needed for me to maintain a healthy digestive tract. The lack of this medicine has caused me problems, including but not limited to bleeding from my rectum and worrying about my health has caused severe Anxiety and the lack of treatment has impacted my self-esteem. I have been incarcerated in the Elkhart County Jail, RDC, and Westville prison, and all of them have seen the need for me to get my medication.

On 5/23/18 I spoke with Jail Captain Kevin L. Garrelts about my medical care. I presented names of officers that have witnessed my condition and that the Dr./medical provider Joseph Mashni did say, after completing a rectal exam that I don't have hemorrhoids. But still decided to treat the problem with hemorrhoid cream. Captain Kevin L. Garrelts was informed at this hearing, that I don't have this problem when I'm on my meds. In this hearing I explained my grievance is that I'm being treated for hemorrhoids that I do not have, and that I've been poop blood off and on. I also explained that Dr. Joseph Mashni checked and found no hemorrhoids at that time. The captain did not call any of the officers I had on my witness list at the formal hearing to verify my claim, that I had been pooping blood for some time now and at times it's quite a lot. I told him that at times I had filled the toilet with blood, and that two of the jail officers saw me wipe, and the toilet paper looked like a bloody tampon pad.

On 5/24/18 I received a letter from Captain Kevin L. Garrelts about the formal hearing. The letter I received attempts to minimize the issue. It does not reflect the truth of the matter. The hearing was recorded and all the officers where body cams. The letter notes that the amount of blood is very minimal; but while in the hearing Mr. Garrelts asked about me need a new jumpsuit the day before, and I explained that I had farted and blood came out, then that it was enof to soak thorough my Boxers to my jumpsuit and leve about a half dollar size bloodstain in the jumpsuit.

The issue is not about me having hemorrhoids or not. It is that the medical provider does not carry my medication, and the jail Administrator has read my medical records and knows how important it is for me to have my meds, and Captain Kevin L. Garrelts has the authority to approve my medication and will not.

Joseph Mashni the medical provider has seen me for this prior to the hearing. He preformed a rectal exam, with St. Johnson present as a witness and at that time he found no hemorrhoids and he said "I didn't find any hemorrhoids, you don't have hemorrhoids, I don't know why your pooping Blood." He then ordered hemorrhoid cream insted of my medication, or look into the issue.

On 5/24/2018 I saw Joseph Mashni, where he told me that if I didn't try the hemorrhoid cream, I would be refusing treatment, use it for 7 days and see what happens. I had already been using the cream just to see if it might work, even though I knew for a fact that I didn't have hemorrhoids. Two days of use made my rectum swell and it was very painful.

The Basic Fact is that, the point is I am not being given the medication I need for my illness. I keep getting the run around. And even if I did have hemorrhoids it wouldn't change this fact.



What Joseph Manhai is doing is, he is dropping a Red-Herring to misdirect medical information about my treatment. My medical Records speak for there self, that I do need my medication, regardless if I have hemorrhoids or not. The Cass County Jail and medical Staff has all known about me needing my meds from day one.

Nurse Susanne Snailisbury is personally involved also because She received my medical records and read them. She is a medical professional that knows what to do when medical Records Show a person needs there medicen.

The sheriff and undersheriff, Richard J. Behnke and Clinton D. Roach are responsible for jail policy and legally responsible for the actions of there Staff. And the cass County Sheriff's Office, as a legal entity and/or person is responsible for all it's Staff.

And lastly the issue about charges for Chronic Care, Captain Garrelts will not address this matter, pointing to the policy of the medical care provider and jail as to what elicits financial cost. It is my understanding that state law is quit different as to the meaning of Chronic Care.

I Have been without my medication for over a year, and it is a major requirement of life for me. It is hard if not impossible for me to know what kind of damage to my overall health me being denied my medication has Caused or if any further damage to my pancreatitis has resulted from the lack of care. Every time thay do blood work, it is days after I tell them about the issue. Then it stops there. My medical chart is quit long and, I was Seening Dr.s and Spicalist prior to being incarcerated. I have been hospitalized many times because of my illness, and have almost died. Every other jail or prison has given me my meds after my blood work comes back normal, and kept me on it, based on my records.

I spoke with Jail captain Kevin L. Garrelts and undersheriff Clinton D. Roach about my medical care on 5/29/2018. I explained the situation. The undersheriff, Mr. Roach said he will look into the matter and talk to the Dr. Joseph Mashni and get back with me on Thursday. I also asked Mr. Roach about doing something about ~~my~~ the infection that I've had on the bottom of my foot. I have been being treated for it now for over 8 months. It started off as a boil that the medical staff called a wart, then after 5-6 months of treating it as a wart, it swelled up and popped. I was given antibiotics two times, and the infection still will not go away. The medical provider has not and will not take a lab sample.

I also saw the nurse on 5/29/2018 about this, where the new nurse that just started on that date said it looked like a tract infection, one that runs deeper and deeper. So far, the treatment has been to keep soaking my foot. I was given antibiotics when it popped 2-3 months ago. It being on the bottom of my foot and very painful, has effected my daily activities, like taking showers and walking around for the exercise I can get.

On 5/29/2018 undersheriff Clinton D. Roach gave me the name of the Healthcare provider at the jail (Advanced Correctional Healthcare). They are responsible for the actions of their employees and ~~per~~ company policies.

I waited till 6/20/2018 to see if Clinton D. Roach the undersheriff would be a man of his word. They are still doing nothing about getting me my meds as of this date.



The basic course of action for medical care in the Cass County jail is to do as little as possible for any inmate. This is best illustrated in the case of my foot, I have had an infection on the bottom of my foot for over 9 months now. They treated it as a wart till it swelled up and popped. Then I was given antibiotics two times. The infection or/and the problem causing the infection still has yet to be treated. The only treatment that they are willing to give me is to keep soaking it, so I do, and the problem remains the same. It's been almost a year now, how long does an inmate have to endure a treatment that is not working? How long do I have to keep squeezing pus out of my foot before it becomes a health issue? How long can medical staff in a jail ignore an issue like this before it becomes inhuman treatment of a prisoner? How long would you as a human being like to be treated like this?

I have witnessed a 58 year old man have a seizure, because they kept changing his meds instead of just keeping him on what he was taking before he came to jail. My neighbor in the cell next to me has had a bad tooth since he came here, and it has become infected twice, they give him antibiotics for it, but there is no dentist for the Cass County jail so he will just have to deal with the pain till he leaves. And the man in the cell below me had a broken leg when he came in that took them 12 days to get him any X-rays or treatment for. I have included declarations from these other inmates to show the standard of medical treatment the jail provides for its inmates.

All the defendants acted and continue to act with deliberate indifference to medical needs of the plaintiff, Joseph A. Craig, and there is no plain, adequate or complete remedy to redress the wrongs described herein. Plaintiff has and will continue to be irreparably injured by the conduct of the defendants unless this Court grants the declaratory and injunctive relief which plaintiff seeks.



On information and belief when I, Joseph Craig, plaintiff pro-se, sent this complaint in to the Captains office on 6/24/2018 to get it approved to make copies for this court, Captain Kevin L. Garrelts used this as an opportunity to go fishing for information about the lawsuit. He was made aware of the lawsuit on or about 5/25/2018 when I requested for him to complete the Certificate on the Authorization For withdrawal of Funds to pay The Civil Action Filing Fee and Affidavit of Indigence in Support of Request to proceed IN FORMA PAUPERIS. I first sent in a blank form and Request for the information, he then refused to provide anything till I provided who the Defendant(s) where; by sending officer Diaz back with a verbal message. officer Diaz then informed me "The Captain says he needs to know who the defendant(s) are." After providing mr. Diaz with the information the Captains response was to send Officer Ponce in to tell me "The captain wants to see you next Tuesday about your last Grievance." On 5/29/2018 I meet with Captain Kevin L. Garrelts and Undersheriff Clinton D. Roach. The pattern of abuse continued till 6/26/2018 when nurse Susanne Salisbury came to my cell for morning meds and informed me that I would be seeing a specialist in July.

I have used the inmate grievance procedure available to try and solve the problem. The simple fact of the matter is, that medical and jail staff acted with deliberate indifference to my medical needs from 3/28/2018 to 6/26/2018. Causing me undo pain and suffering, pancreatitis the illness I have is extremely painful when not treated. So even when or IF I receive my medication the issue will not become moot. The heart of the issue is the systematic pattern of abuse and deliberate indifference shown to inmates in the Cass County jail, who require medical treatment.

Nothing was done about my medical needs till I sent this claim in to get copies, and it had to get "Approved" by the Captain. Fishy?

## V. PRAYER FOR RELIEF

WHEREFOR, Plaintiff Joseph A. Craig, pro-se Respectfully pray this Court enter judgement:

1) a declaration that the acts and omissions described herein violate the Plaintiff's Rights under the U.S. Constitution and the laws of the United States and the State of Michigan, and

2) A preliminary and permanent injunction ordering defendants to provide adequate medical care for the Plaintiff Joseph A. Craig; to wit the medication needed to treat my illness, and

3) Granting Plaintiff Joseph A. Craig, Compensatory damages in the amount of \$2.5 million against each defendant, jointly and severally, and

4) Granting Plaintiff Joseph A. Craig, Punitive damages in the amount of \$2.5 million against each defendant, jointly and severally, and

5) A jury trial on all issues triable by jury

6) Plaintiff also seeks recovery of the costs in this suit.

7) Any additional relief this court deems just, proper and equitable.

Date 6/27/2018

Signature of Plaintiff Jo. Craig

## VERIFICATION

I have read the foregoing complaint and hereby verify that the matters alleged therein are true, except as to matters alleged on information and belief, and, as to those, I believe them to be true. I certify under penalty of perjury that the foregoing is true and correct.

Executed at Cassopolis Michigan on 6/27/2018

Jo. Craig  
Joseph A. Craig



Joseph Craig #43549  
Cass County Jail  
321 M-62-N  
Cassopolis, MI 49031



Office of The Clerk  
United States District Court  
B-35 Federal Building  
410 W. Michigan Avenue  
Kalamazoo, Michigan, 49007